

**Comments in Response to Localism Notice of Proposed Rulemaking
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

The FCC must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted which would violate freedom of speech.

(1) Religious broadcasters should not have to take advice from people who do not share their values or beliefs. This is truly unfair that NPRM's proposed advisory board would impose such unconstitutional mandates which would take action against religious broadcasters who resist advice from those who don't share their values, complaints and even loss of license for choosing to follow their own consciences and beliefs, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a religious broadcaster should or shouldn't have.

(2) The FCC must not and should not turn every radio station into a public forum where anyone has rights to air time. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information and the choice of programming, especially religious programming, should not be dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish an unfair two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing if they don't adhere to the FCC guidelines. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) A great deal of Christian broadcasters operate on tight budgets, as do many smaller market secular stations, and keeping the electricity on itself is a challenge at times. Yet, the Commission proposes to further squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.

We urge the FCC not to adopt rules, procedures or policies discussed above.